

Application No.: 09/747,955

Docket No.: OKA-0020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Tadayoshi Iijima

Application No.: 09/747,955

Confirmation No.: 3185

Filed: December 27, 2000

Art Unit: 1794

For: FUNCTIONAL FILM AND METHOD FOR  
PRODUCING THE SAME

Examiner: Monique R. Jackson

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated November 26, 2008, Applicant hereby submits a revised Appeal Brief effecting the changes requested in the Notification. More specifically, Applicant has amended the Appeal Brief to delete the search notes, patents and arguments directed thereto. Applicant has also amended the Appeal Brief to present a more concise statement of the status of amendments filed after the final rejection as well as added a statement reciting that no amendments were filed after the last final rejection. Lastly, Applicant has also amended the Section VII Arguments to correspond to the Section VI Grounds of Rejection.

Applicant submits that the revised arguments are consistent with the provisions of Consolidated Patent Rules §41.37(C)(1)(vii) since the arguments do not rely on the deleted new evidence. The revised arguments only refer to pages in the specification and office action which are documents of record in the

application. The revised arguments also make references to the MPEP and Applicant's search of the USPTO Patent Electronic Databases (i.e. which constitute as "*authorities*" under Consolidated Patent Rules §41.37(C)(1)(vii)). Applicant submits that their argument relating to the search of the USPTO Patent Electronic Databases is not new evidence since it only describes Applicant's actions and the result obtained from such actions. No evidence needs to be referenced or submitted in support of such description of Applicant's action especially since the USPTO Patent Electronic Databases is accessible to all.

Thus, Applicant submits that the revised Appeal Brief filed herewith now satisfies the requirement set forth in the Notification mailed November 26, 2008. Hence, Applicant respectfully requests that the present application be allowed to proceed on appeal to the Examiner and to the Board of Patent Appeals and Interferences.

Applicant believes that no additional fee is due with this response.

Dated: December 29, 2008

Respectfully submitted,

By:  \_\_\_\_\_

Lee Cheng

Registration No.: 40,949

CHENG LAW GROUP PLLC

1100 17th Street, N.W.

Suite 503

Washington, DC 20036

(202) 530-1280

Attorneys for Applicant